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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

ROB GRANT CULBERTSON,

Defendant and Appellant.

B266760

(Los Angeles County
Super. Ct. No. NA101648)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Laura L. Laesecke, Judge. Affirmed.

Susan Morrow Maxwell, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Rob Grant Culbertson appeals from the judgment entered following his negotiated plea of no contest to false personation, with an admission he suffered a prior felony conviction. (Pen. Code, §§ 529, subd. (a)(3),¹ 667, subd. (d).) The court sentenced appellant to prison for three years, suspended execution thereof, and placed him on formal probation for five years. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The probation report reflects that on December 29, 2014, Long Beach Police Commander Michael Beckman conducted an Internet search of his name and discovered a website containing false and defamatory information “in his name.” The registrant for the domain server was Tory Carlson, residing at a Long Beach address. Records indicated the address and corresponding phone number were issued to appellant.

In the probation report, the probation officer stated appellant knowingly obtained Beckman’s name, employer, and rank, and used that information for the unlawful purpose of impersonating a police officer “via libel in a fraudulent Facebook profile.” The probation officer also stated it was believed appellant intended to commit harm by slandering Beckman through false and damaging statements, hindering his chance for a promotion.

Based on the above facts, a felony complaint filed April 17, 2015, alleged as count 1 appellant committed false personation on or between August 16, 2014, and March 31, 2015. The complaint also alleged appellant had suffered a 2007 conviction for attempting to commit a lewd act upon a child (Pen. Code, §§ 664, 288, subd. (a); case No. NA071572).

¹ Penal Code section 529, subdivision (a)(3) states, in relevant part, “(a) Every person who falsely personates another in either his or her private or official capacity, and in that assumed character does any of the following, is punishable pursuant to subdivision (b): [¶] . . . [¶] (3) Does any other act whereby, if done by the person falsely personated, he might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture, or penalty, or whereby any benefit might accrue to the party personating, or to any other person.”

On April 21, 2015, appellant pled not guilty to count 1. He was also served with a criminal protective order prohibiting him from, inter alia, harassing Beckman. On August 5, 2015, appellant agreed to plead no contest to count 1 and admit the strike with the following understandings. The court would strike the strike for sentencing purposes, sentence appellant to prison for three years, suspend execution thereof, and place him on formal probation for five years. Probation conditions would include appellant staying away from Beckman and not using social media.

Moreover, if appellant did not violate probation during his first year of probation, he could, after that period, petition the court to convert the formal probation to summary probation, the People would not oppose the petition, and the court would decide in the exercise of its discretion whether to grant the petition. If he did not violate probation during his five-year probationary term, he could, after that period, withdraw his no contest plea, the People would not object to the withdrawal, and the court would dismiss the case. The strike could be used to double his sentence in a future case.

Appellant stated he was pleading freely and voluntarily because it was in his best interest to enter the plea agreement. Appellant stated there had been no threats or promises from anyone to get him to plead. Appellant pled no contest to the charge of false personation and admitted the strike. His counsel joined in the waivers and concurred in the plea. Pursuant to *People v. West* (1970) 3 Cal.3d 595, appellant's counsel stipulated to a factual basis for the plea.

The court found appellant entered a knowing, intelligent, and voluntary waiver and plea, and he understood the consequences of his plea. The court accepted the plea, sentenced appellant pursuant to the plea agreement, and imposed various fines and fees. On September 1, 2015, appellant filed a notice of appeal.

CONTENTIONS

After examination of the record, appointed appellate counsel filed an opening brief which raised no issues and requested this court to conduct an independent review of the record.

By notice filed March 17, 2016, the clerk of this court advised appellant to submit within 30 days any contentions, grounds of appeal, or arguments he wished this court to consider. No response has been received to date.

REVIEW ON APPEAL

We have examined the entire record and are satisfied counsel has complied fully with counsel's responsibilities. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *Smith v. Robbins* (2000) 528 U.S. 259, 278-284.)

DISPOSITION

The judgment is affirmed.

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HOGUE, J.*

We concur:

ALDRICH, Acting P. J.

LAVIN, J.

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.